

*Handwritten signature/initials*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/030,070      | 01/04/2002  | Philippe Letellier   | PF990046            | 2178             |

24498 7590 11/15/2006

THOMSON LICENSING INC.  
PATENT OPERATIONS  
PO BOX 5312  
PRINCETON, NJ 08543-5312

EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,070

Applicant(s)

LETELLIER, PHILIPPE

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments/amendment with respect to claims 4-12 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 4-12 rejected under 35 U.S.C. 102(e) as being anticipated by **DeWeese et al (2005/0262542)**, applicant argues that, the prior art of records fail to teach the amended claimed limitations, i.e., "establishing a communication between said first user and said second user through the server, the address of the first and second users not being transmitted to any other user..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, DeWeese teaches that when a user tunes to a TV channel of an in-progress program, the user sends a signal to the chat server (which stores data relating to the tuned channel/program or users profile), to indicate a desire to join a chat group of the tuned channel, and the chat server searches for users of the chat group of the tuned channel and links the user to the chat group to enable the users to chat on the in-progress program, without transmitting addresses of the users to each other (page 9, [0101-0106] and [0112-0129]). The chat server joins users to chat groups without the need for a user to form a buddy list. Hence applicant's amended claims do not overcome the prior art of records. The amendment to all the independent claims necessitated the new ground(s) of rejection discussed below. **This Office Action is made Final.**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-12 are rejected under 35 U.S.C. 102(e) as being anticipated by **DeWeese et al (2005/0262542)**.

As to claim 4, note the **DeWeese** reference figure 1A, discloses television chat system 10 (page 3, [0051-0053]) and further discloses method for establishing communications between at least two users in a system comprising at least two television (TV) receiver terminals (User TV Equipment 'User-TVE' 20) and a server (TV Distribution Facility 'TV-DF' 16) linked to the TV receiver terminals by a network (NW 24) comprising the steps of:

(By selecting YES icon 276 via user interface 'UI' 270, fig.13 or icon 402 via UI 400, fig.21) receiving by the server (Chat Server, which receives/stores data from the two users data relative to a respective program watched) from a first user (page 4, page 4, [0062-0063], page 10, [0112] and page 14, [0139]) of a first TV receiver terminal (User-TVE 20, page 4, [0059-0060]), data (tuned channel and profile) associated with a program watched by the user on the terminal; a microprocessor of User-TVE 20

transmits data relative to the program watched by the user on the terminal to the server along with the request for the connection; informing the server (Chat Server) that a first user wishes to communicate with another user; searching, by the server, for other users who have sent data indicating that they are watching the program (page 9, [0101-0106] and [0112-0129]);

Based on data from the other users matching the data of the first user, and selecting at least a second user among the other users for communication with the first user; and establishing a communication between the first user and the second user through the server, the address of the first and second users not being transmitted to any other user (figs.10, 13-17, page 9, [0101-0106], [0112-0129] and, page 14, [0140-0143]), note that when a user tunes to a channel of an in-progress TV program, the user sends a signal to the chat server (which stores profiles of users) to indicate a desire to join a chat group of the tuned channel, and the chat server links the user to the chat group without transmitting addresses of the chat group users to each other.

As to claim 5, DeWeese further discloses sending a stopping signal from a TV receiver terminal of the user to the server, sending a disconnection signal from the server to the other users communicating with the first user (page 11, [0116-0117] and [0120-0121]); and further to the communication, storing in the server a list comprising user identifications and archiving in the terminal a connection reference relative to the communication (page 6, [0076-0077], [0086-0088] and [0095-0096]).

As to claim 6, DeWeese further discloses a method comprising the step of re-establishing a communication between at least the two of these users following a

request of one of the users, the step sending by one of the users to the server the connection reference, searching in the server the list of users corresponding to the connection reference, establishing a communication between this user and another user of this list (page 8, [0094-0096], [0103], [0131-0132] and [0135-0139])

As to claim 7, the claimed "Server device for establishing communications..." is composed of the same structural elements that were discussed with respect to the rejection of claim 4.

Claims 8-9 are met as previously discussed with respect to claims 5-6.

As to claim 10, DeWeese further discloses where the communication is established over the telephone network to communicate audio between the users (page 9, [0104]).

As to claim 11, the claimed "Television receiver terminal comprising a communication module for establishing communication with a server..." is composed of the same structural elements that were discussed with respect to the rejection of claim 4.

Claim 12 is met as previously discussed with respect to claims 5-6.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al (6,804,825) disclose VOD methods and systems.

Trovato et al (6,766,374) disclose system creating chat network based on a time of each chat access request.

Kohda et al (6,751,656) disclose apparatus and method for providing information about two-way computer communication services.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

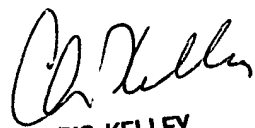
Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



Annan Q. Shang



CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600